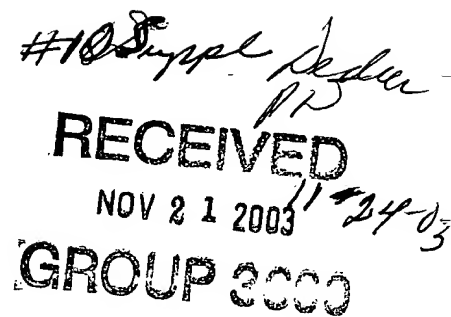


November 17, 2003  
Aaron T. Borrowman, Reg. No. 42,348 Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NO. WOLF-38176

SUPPLEMENTAL DECLARATION OF PRIOR INVENTION  
IN THE UNITED STATES  
TO OVERCOME CITED PUBLICATION  
(37 C.F.R. §1.131)

- WOLF-38176  
SERIAL NO. 09/641,248  
SUPPDECLARATION

June 18, 2003 Declaration to establish completion of the invention disclosed in this application in the United States at a date preceding the cited references, and in particular the cited Runner's World and Marathon Foto publications which have been cited by the Examiner.

2. On March 14, 1998 myself and three other friends rode the Solvang Century Bike Ride. Marathon Foto was the photographer at this event.

3. Marathon Foto used traditional methods in providing photographs to the event participants. This consisted of essentially twelve steps as follows:

- 1) Contracting with the event organizer to shoot the event photographs;
- 2) Photograph the participants having visible bib numbers;
- 3) Compiling the roster of participants using the bib numbers, names and addresses from the registration forms;
- 4) Developing the film;
- 5) Visually scan negatives for bib numbers;
- 6) Print thumbnail images of negatives with the bib numbers;
- 7) Identifying the name and address of the individual in the picture through address/roster bib number cross-referencing;
- 8) Prepare an order form with attached thumbnail image;
- 9) Prepare an envelope with the customer's name and address;
- 10) Mail the order form with thumbnail image to customer;
- 11) Customer views thumbnail image and orders by mail, telephone or in some instances filling out an order form on-line; and
- 12) Fulfilling the customer's order.

automation  
↓

4. The "traditional" method of event photography presented many drawbacks. Aside from the time taken to physically photograph the event, the event photographer had to visually scan the negatives for bib numbers, compile the roster, cross-referencing the roster of participants to obtain the participant's name and address information, print thumbnail images of negatives, and then mail these thumbnail images with an order form to the potential customer and event participant. This is a time consuming, expensive and error prone task. Unfortunately, not all of the event participants will purchase a picture or product from the event photographer.

Thus, a critical mass of participants is usually necessary in order to make the event profitable for the event photographer. Furthermore, those participants not having a bib number or whose bib number cannot be readily ascertained are either not photographed or order forms are not sent to these individuals. In fact, of the four of us who attended the March 14, 1998 Solvang Century Ride, one did not receive a solicitation for event photographs from Marathon Foto as his bib number was not readily visible, causing him great disappointment. As the "traditional" method requires scanning negatives and cross-referencing an address roster, human errors in scanning and cross-referencing can present erroneous thumbnail images to participants. There exist certain events in which bib numbers are not given and thus this "traditional" method of event photography fails completely. Other disadvantages of the "traditional" method include the data entry necessary as most rosters and applications are hand written. Moreover, such information can be divulged by the event photographer, as illustrated in Exhibit A, which illustrates personal information obtained from various event participants by Marathon Foto and offered by Data Card for use by third party companies.

5. Due to Marathon Foto's failure to provide an event photograph for my friend at the Solvang Century Ride, I began to ponder a solution to the "traditional" event photography methodology.
6. In December of 1998, I developed software to post pictures on the Internet.
7. On May 8, 1999 I took event pictures for a local bicycle club which sponsored the "Cruisin The Conejo" bike ride. I associated identifying data to each picture which included the month, day, an index number, and the time in the form of hour, minute and second when the picture was taken. The event participants were informed of the photographs and web-site so that they could visit the web-site, find their pictures according to the time the picture was taken and order the pictures. This first implementation of my

invention did not include an on-line ordering feature, thus event participants printed off the web-site page in question and mailed these to me to identify the photograph which they desired to order. Exhibit B is a copy of one such order form I received from an event participant from the May 8, 1999 event.

8. As the May 8, 1999 "Crusin The Conejo " bike ride event demonstrated the feasibility of the invention, I decided to create a business and web-site exclusively directed to services provided by the invention. In June and July of 1999 I registered the domain name PHOTOCRAZY.com with Network Solutions, Inc. and filed for a fictitious business name for Photocrazy.
9. In June of 1999 I contacted the Lighthouse Century organizers and asked permission to shoot event photos for their September 25, 1999 event. I explained to the organizers how I would post the pictures on a web-site and allow the participants to search for their pictures using identifying data, such as the date and time the photograph was taken or by their bib number. I received permission to photograph the event from Bruce Collier in July of 1999.
10. Between July and August of 1999 I contacted and hired Andy Parkinson to write shopping cart software for the web-site to allow direct ordering over the Internet by Photocrazy customers using credit cards. Andy and I reviewed the web-site and I explained to Andy that the shopping cart program should allow a potential customer to click on the picture of interest and follow a shopping cart procedure to order the picture or associated product. The shopping cart programming was completed and functional on August 14, 1999.
11. On August 10, 1999 I contacted Randy Ice and asked permission to photograph the Solvang Prelude bike ride which was to take place on November 6, 1999. I explained to Randy my unique methods of event photography. Randy subsequently gave me permission to photograph the

Solvang Prelude and invited me to make a presentation at a BRDAA meeting on September 22, 1999 about the unique event services I offered.

12. On September 22, 1999 I attended the BRDAA meeting and disclosed my unique method of event photography to those in attendance.

13. On September 25, 1999, I photographed the Lighthouse Century event and posted and cataloged all of the pictures on my web-site www.photocrazy.com. At this event, the photographs were indexed or cataloged according to the year, month, day, hour, minute, and second (along with a sequential index number). Event participants could search for their photographs by the time at which the photograph was taken, avoiding the need to review all of the photographs taken at the event. Exhibit C includes copies of orders taken from this event.

14. I have continued to photograph events and post them on my web-site and catalog them according to identifying data, typically bib number and/or the date and time at which the photograph was taken. Event participants can enter their bib number into a search box or the time in which they finished the event and be provided with one or more pictures corresponding to the search data. Event participants are then able to select the pictures they want and order them on line.

15. The present invention is drastically different than the "traditional" event photography method, such as that previously used by Marathon Foto. The present invention requires the potential customer to visit the web-site, find their pictures and then choose whether to purchase any pictures. Thus, using the methodology of the present invention only requires six steps as follows:

- 1) Contract with event organizers to photograph the event;
- 2) Photograph every event participant;
- 3) Visually scan images for bib numbers;
- 4) Post and catalog the photographs on the web-site according to

- identifying data (such as bib number or time);
- 5) Customer finds and orders image by mail, telephone or directly through the web-site; and
  - 6) Fulfilling the customer's order.

16. The methodology of the present invention overcomes many of the drawbacks of the "traditional" photography methods and is not an obvious modification of the traditional methods. The present invention does not require cross-referencing a roster of participants to obtain the participant's name and address according to bib number previously scanned and found on negatives. In fact, the present invention does not have the name or address of the individual participant until that participant actually orders a photograph after visiting the web-site, thus maintaining anonymity and preventing identity theft and bothersome third-party unsolicited contacts. If the images are cataloged by bib number, the present invention requires

i) scanning of the images for these bib numbers. However, the present invention, as implemented, always includes cataloging by the date and time when the picture was taken. When the present invention relies solely upon the date and time when the picture was taken, there is no need to scan the individual photographs to determine bib numbers at all. This enables the present invention to be used in events in which no bib numbers are used. This also enables participants whose bib numbers are not visible to still find and order photos of the event by the time at which the photo was taken. The present invention also completely eliminates the expensive process of printing thumbnail images and mailing these images with an order form to each event participant. Additional benefits of the present invention include the speed at which the event photos are offered on the web-site, usually within a day or two instead of weeks.

17. Notwithstanding these benefits, when I first introduced the invention in 1999, there was great uncertainty if customers would be willing to search for their own pictures. Indeed, many individuals suggested that the present

invention's approach would fail because event participants were not used to searching for their own pictures, but were instead accustomed to receiving thumbnail proofs in the mail. Furthermore, the invention required access to the Internet by all event participants or their friends and relatives. The Internet was not as widely available in 1999 as it is today and there was great uncertainty as to the successfulness of this business model.

18. Notwithstanding the skepticism, the success of selling event photographs on the Internet using my invention was quickly realized after the first few events were posted during the late summer/early fall of 1999. In fact, the number of orders quadrupled in the first three months the service was offered. I would call event organizers and explain my new approach of providing event photographs for inspection, selection and distribution for their events. With the exception of large events, like the Boston or Los Angeles Marathons, which had exclusive contracts with other photographers, most expressed great interest in my services because of the more efficient processing of the photographs and better service to their event participants. Smaller events which had no or disappointing photography services encouraged me to cover their events. Many event organizers complained to me how other photographers using traditional services, like Marathon Foto offered, provided inadequate and error laden service to their customers as well as long delays (weeks and months) before pictures actually made it to the event participants. A number of satisfied customers wrote letters and e-mail messages to me about the novel and excellent service I provided. I posted many of these messages on my web-site under "testimonials". I have received between 2000 and 4000 orders each year since 2000, at an average order arrange of \$40.00 each.

19. Sometime in the summer or fall of 2000, other event photographers started to copy my invention. A particularly bold individual simply copied the text of my web pages into his own web-site and substituted his company name wherever "PhotoCrazy" appeared. This individual since modified his

web-site to avoid the obvious copy appearance and copyright problems, but still offers picture cataloging features identical to the present invention. I have lost several event contracts to this individual. Another company, having hundreds of photographers working for them across the nation, started offering services covered by the present invention in about 2001. This company discloses capital investors for funding their operation and aggressively pursues contracting key events. Consequently, several of my major contracted events were taken over by this company in 2002 and in 2003. Since 2000, hundreds of event photography services have emerged on the Internet using the same techniques as the present invention. In fact, Marathon Foto started offering on-line services similar to the present invention in 2002. It has been very frustrating to see other individuals and companies use my original ideas and compete directly with me and take over events that used to be covered by me. Prior to my public disclosures, event photography was expensive and cumbersome. My invention has eliminated virtually all overhead costs (such as thumbnail printing, mailing of order forms, etc.) and allowed anyone with a camera and a web-site to start this business, which is exactly what has happened.

20. I have reviewed the September 24, 2003 Office Action and disagree with many of the "official notices" asserted by the Examiner. Although event participants are generally given something for registration and identification purposes, it is not necessarily a bib number. In fact, there is a trend by many event organizers to save registration expenses and offer alternatives to bib numbers. Rainbow Racing System, based in Spokane, Washington, has sold identification material to race directors since 1982. This company offers bib numbers, color coated/numbered wrist bands and bar code labels. Many of these tags, wrist bands, and bar code labels are small and not easily discerned in a photograph. A popular sporting event in Davis, California (Foxy's Fall Century Bicycling Ride) has provided nothing more than numbered wrist bands to over 1200 participants for several years. Many other events use only wrist bands as well. In such sporting events, the



"traditional" methodology of event photography would fail as the photographer would not be able to cross-reference the event participant by viewing his or her image. As my invention is not dependent upon bib numbers, I can photograph these events and provide the images of the participants on my web-site, which are cataloged by other means such as the date and time when the picture was taken, and which can be searched for and ordered by the event participants after the event. I have been informed that some event organizers require the photographer to actually purchase bib numbers if the photographer requires these. This is an additional disadvantage of the "traditional" method.

21. In the Office Action it is stated under official notice that "the identification data is typically associated with not only the participant's performance, i.e. their finish time, but also their name and contact information so that they can be informed of their results." Participants of a competitive and timed event such as a marathon or triathlon are informed of their results by viewing a 'Results Board' after the race. Pull tags are posted on the Results Board in the same sequence of how the participants arrived at the finish line. Pull tags are generally worn by the participant throughout the race and as the participant finishes the race he or she is guided into a finish shoot. A timekeeper observes when a participant crosses the finish line and pushes a button on a Seiko S 149 or Ultrak 499 or similar timing device. Another timekeeper removes a pull tag from the participant and places the pull tag on a stringer. A timing official then correlates the position of the pull tag on the stringer with the sequential time print outs of the timing device. The finish time of a participant is established in this manner. The timing official releases the pull tags from the stringer for posting on the Results Board after the pull tag and timing device correlation has been completed. Race chips have automated this process considerably whereby a participant wears a chip around his or her ankle. The participant steps on a mat as he or she crosses the finish line and the race chip identifies the participant electronically and associates a finish time. The electronic data is processed

on a computer system and printouts of finishers by bib number and/or person's name are produced and posted on a Results Board. Unfortunately the pull tag method and race chip method are prone to human and electronic error. For instance, a timekeeper may press the button of the timing device twice when it should have been pressed only once or the timekeeper may miss pressing the button as a runner passes the finish line. Further complication can arise if a runner loses his or her pull tag before crossing the finish line or the timekeeper doesn't place the pull tags on the spindle in the proper sequence. The race chip may not register a runner if he or she doesn't step on the mat properly or multiple runners stepping on the mat simultaneously can cause electronic interference. Generally, when the race chip method is used the pull tag method is also used as a backup system. Timing officials have frequently requested and used information from the event photographs in the present invention to resolve timing conflicts. A photograph of the present invention has an accurate time stamp associated with each picture. Looking at a picture of an event participant crossing the finish line and observing the time stamp associated with that picture eliminates all possible timing errors. The present invention makes the time stamp available to anyone by cataloging each picture with a file name of the time stamp. The format of the file name is as follows:

PYYMMDDhhmmssnnn - where hhmmss are the hour: minutes: seconds when the picture was taken. YYMMDD refer to the Year, Month and Day of the event respectively. When the pictures are posted on the present invention's website anyone can place their mouse cursor over any thumbnail image and the file name as described above will momentarily appear on the screen. The present invention's website explains how to interpret the file name thus displayed with each thumbnail image. Event timing officials, event organizers and participants have utilized the time stamp feature on the present invention numerous times to resolve conflicting issues or be informed of their results with complete assurance in accuracy. The official notice in the Office Action suggests that the participants are informed of their results from the contact information they provide during registration. I

consider myself very familiar with this field having participated in such events for many years and photographed dozens of events since 1999. However, I have never heard of an event organizer informing participants of their results by mailing something to the address of the participant after the event, and thus respectfully disagree with this assertion.

22. Another official notice is that "from a runner's finishing time, 'split-times' - i.e. the times at which the runn[er] crosses different parts of the race, can also be calculated or recorded in association with the participant." Although runners can calculate their spit times for training and timing purposes I am not aware of any previous event photographer who has organized their photos by bib numbers or calculated time prior to my invention. Searching for an event participant's image on a web site according to bib numbers, the time or estimated time that the photograph was taken is absolutely novel to my invention.
23. I have reviewed the www.runnersworld.com October 6, 1999 web-site publication cited by the Examiner in the Office Action. The Runners World "prediction" that the next step would be to get Marathon Foto's proofs on-line was approximately five months after I actually commercially implemented my invention on a web-site for the May 8, 1999 "Crusin The Conejo" event. As shown in Exhibit D, it wasn't until October of 2002 that Marathon Foto provided photos on-line, in addition to mailing of the proofs to the event participants of the Lacily Bank Chicago Marathon. This was more than three years after I had commercially implemented my invention.
24. I have also reviewed U.S. Patent No. 6,017,157 to Garfinkle et al., which was combined with the www.runnersworld.com web-site publication as a basis for rejecting the claims of my application. Garfinkle discloses a method of processing digital images and distributing prints produced from the digital images by digitizing pictures on a roll or batches of rolls of film which are then saved on an accessible server with a password or other access

code. The photographer, or those who know the access code, can then be used to access thumbnails of the images on the roll or batches of rolls of film for later ordering, etc. While providing digital images for viewing on a website server, Garfinkle et al. do not disclose my invention and would not provide a system satisfactory for the intended purpose of my invention. The Garfinkle et al. method is directed to those consumers who develop one or two rolls of film. Those one or two rolls (a total of a few dozen pictures) could be fairly easily reviewed by the photographer, those within the pictures, or family members. However, in event photography such as bike races, marathons, etc. many dozens, hundreds or even thousands of pictures can be produced at a single event. For example, Exhibit D indicates that when Marathon Foot first photographed the LaSalle Bank Chicago Marathon there were 4,642 finishers with approximately 9,000 photographs. In 2002, Marathon Foto took over 125,000 photographs of more than 31,000 finishers. That is, each participant has between one and three pictures taken on average during the event, assuming that their bib number is visible and they can be identified by cross-referencing the sign-up sheet without human error. Even if the photos were displayed on-line, the event participants of the LaSalle Bank Chicago Marathon would have to sort through literally thousands of thumbnail images in an attempt to find their photograph. Once again, if the bib number was not visible the person may not have been photographed at all or their image not saved. It is unlikely that the event participants would be willing to expend the time and energy to peruse thousands of thumbnail images in an attempt to find their photograph. My invention not only posts the photographs on a computer network server but also catalogs the photographs according to their identifying data, typically bib number and/or time, and overcomes these problems. Garfinkle et al. makes no mention of cataloging images and no other commercial endeavor suggests cataloging images for event photography purposes prior to my invention.

25. My invention enables an event participant to use identifying data, such as the bib number or time the picture was taken, to view his or her pictures at the event after the event has transpired. The event participant need not scroll through thousands, hundreds or even dozens of thumbnail images to view his or her images. This was commercially implemented months before the www.runnersworld.com prediction that the next stop will be proofs on-line. In that same paragraph, runnersworld.com mentions that order forms available on-line can be accessed by the information on the proof card. Such information includes only the person's name and address. There is no reference to bib numbers on such order cards and there is no mention whatsoever in the runnersworld.com publication of using bib numbers or time to view the proofs on-line.
26. I have reviewed the Spiegel et al. reference which describes a method of using a line scan digital camera in conjunction with a microprocessor controlled timing and analysis circuit. Line scan cameras are somewhat analogous to high speed camera system used for photo finishes at horse races and the like where the film moves past a slit at about the same speed as the race horse is moving past the finish line. Such camera systems render the moving object virtually stationary as they pass the finish line since the film of the camera is moving at the same speed as the race horse. Digital line scan cameras achieve the same results without having to physically move the film and avoid film-developing processes. This technique allows for precise finish line analysis. However, such line scan digital cameras are completely different from the traditional or area-scan cameras that are used in the present invention to photograph the entire event participant. Such line scan digital cameras are highly specialized and used for purposes other than the present invention, such as photo finish-type applications to determine when an object first passes a scan line. In the claims in the present application, the step of triggering a camera to take a photograph when a component or the like passes a predetermined point is to trigger a traditional

area-scan camera to take a photograph of an entire individual which would be desirable to purchase and keep as a memento.

27. I have also reviewed U.S. Patent No. 6,532,345 to Gluck which was cited in the latest Office Action. This imaging system and method is directed to the photographing of event spectators, not participants, seated in a stadium or waiting in line. Each spectator is photographed and the resultant image is assigned the seat number or physical area that the spectator was occupying at the time the picture was taken. Gluck describes vendors approaching the spectators to sell them the photographs or souvenirs bearing the photographs while at the event. Alternatively, before the spectators leave, if they have not been presented with an offer to purchase the photograph by a vendor they can view images for purchase at the event. However, Gluck fails to teach my invention as it is limited to stadium seating and pre-assigned areas, such as seat and row numbers, etc. Furthermore, Gluck is limited to selling the pictures at the event itself. Instead of mailing the proofs, which would be impossible, vendors approach the seated spectators in an attempt to sell them photographs, souvenirs, etc. This is simply unrelated to my invention which is intended for event participants to order photographs of themselves after the event has transpired and not based upon a particular seat number or physical location which has been pre-plotted. My invention is particularly suited for running races, marathons, triathlons, bike races and the like. Gluck's system simply cannot accommodate these sporting events.

28. I have also reviewed the Hermanns et al. cited reference (U.S. Patent No. 4,274,076). This reference simply teaches a chip-like system wherein race participants wear active transmitters that trigger sensors located at the finish line for determining accurate finishing time of each participant. Such systems were in place before my invention, but had no bearing whatsoever to event photography as the event photograph was not cataloged or otherwise

linked to these finishing times. Thus, I fail to see the relevance of this reference.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Nov 17, 2003  
Date

Peter H. Wolf  
Peter H. Wolf



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#### Terms and conditions

1 We believe the information in this list to be accurate but we cannot guarantee its accuracy or the outcome of a mailing. 2 Stated prices are for one-time usage only. Multiple and unlimited use arrangements are available. 3 Net name arrangements are available on large orders for many lists. 4 Commissions are paid to recognized brokers and advertising agencies at standard industry rates. 5 Names will be shipped only to a bonded mail house or service bureau. 6 Purchase orders are required. 7 Payment in full is required within 30 days of an invoice. Bethesda List Center, Inc. has the right to ask for prepayment on any order. 8 Cancellations must be in writing and accompanied by the returned names and are subject to running charges. Orders cancelled after mail date will be billed at full price. 9 We are not liable for any damages or loss sustained through use of this list, nor for any special or consequential damages, and in no event shall our liability exceed the price of the list.

EXHIBIT A



75,493

# **ACTIVE SPORTS PARTICIPANTS FROM MARATHON FOTO**

Last Updated:

4/03

Updates Quarterly

75,493	Total Buyers (Mar.=01 - Mar.>03)	\$60/M
40,861	12 mos. (Mar. >02 - Mar. >03)	\$65/M
26,410	6 mos. (Oct >02 - Mar. >03)	\$70/M
7,759	3 mos. (Jan. >03- Mar. >03)	\$70/M + \$10/M

Source: Direct Mail

## Selects:

Recency	\$10/M
Gender	\$5/M
SCF	\$5/M
State	\$5/M
Zip	\$5/M

## Addressing:

4-Up Cheshire	N/C
PS Labels	\$12/M
Mag Tape/Diskette	\$35/F
Via E-Mail	\$35/F
Key Code	\$3/M
Run Charges	\$10/M

Turnaround:

4 Days

Minimum Order:

5,000

Contact: Barbara Hogan x 20

Direct from North America=s official photographer of sporting and racing events! These are running enthusiasts and participants who have purchased high quality photographs of themselves crossing the finish line at major race events like the Boston, New York and Los Angeles marathons.

**100% DIRECT MAIL SOLD!** These **UPSCALE, RESPONSIVE, EDUCATED** fitness buffs run more than 20 miles each week, and almost all (98%) participate in sports beyond running!

**THIS IS A MUST-TEST LIST FOR ALL YOUR SPORTS/FITNESS MERCHANDISE AND PUBLICATIONS, VITAMINS, HEALTH AND ALL UPSCALE CONSUMER OFFERS!**

## Check out these demographics:

* 40,089 Male	* 28,245 Female
* Median Age 37	* Average income \$40,000+

## STATE COUNTS

AL	926	IL	9,944	MT	,65	PR	68
AK	121	IN	1,201	NE	308	RI	196
AR	166	IA	1,638	NV	305	SC	257
AZ	905	KS	441	NH	288	SD	67
CA	17,904	KY	395	NJ	1,051	TN	651
CO	926	LA	1,907	NM	155	TX	2,124
CT	382	ME	125	NY	1,618	UT	1,230
DE	86	MD	1,913	NC	693	VT	85
DC	267	MA	3,855	ND	86	VA	1,771
FL	3,447	MI	3,346	OH	2,214	WA	645
GA	1,912	MN	3,036	OK	170	WV	78
HI	2,065	MS	262	OR	304	WI	1,489
ID	115	MO	266	PA	968	WY	56

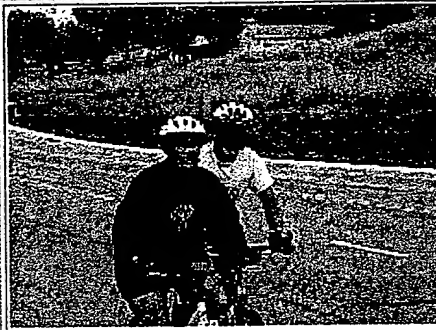
# Cruisin The Conejo - May 8, 1999

Click on your approximate starting time, Next Page or Previous Page to find your picture. Press Home to go to the beginning and see instructions how to order pictures.

[Home](#)[Previous Page](#)[Next Page](#)



P5080964085833



P5080965085842



P5080966085846

one of these →

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EXHIBIT B

# Cruisin The Conejo - May 8, 1999

Click on your approximate starting time, Next Page or Previous Page to find your picture. Press Home to go to the beginning and see instructions how to order pictures.

[Home](#)[Previous Page](#)[Next Page](#)



P5080955085600



P5080956085610



P5080957085619

Ken Weidmann  
Sharyl "

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Two of This

Please print 3 pics. Can you  
mail them To:

H. Jack & Carin Morgan  
3853 Hartung Ct.

Newbury Park, CA 91320

Thanks Jack

805 498 8941

Great Job!

Ref #	Issuer	Card Number	Type	Amount	Disposition	Auth/Ref
Street Address	Zip Code	Card Member	Auth-Amt	Exp.	Date	Rev-Amt
27000001	MasterCard	536990035 [REDACTED]	Sale	\$16.24	CAPTURE	027580
5491130080667769		John [REDACTED]		0501	092799	
27000002	MasterCard	5491130080 [REDACTED]	Sale	\$14.07	CAPTURE	047420
		Mark [REDACTED]		0402	092799	
27000003	Visa	4432825003 [REDACTED]	Sale	\$9.20	CAPTURE	027766
		Mark [REDACTED]		0703	092799	
27000004	Visa	4414350685 [REDACTED]	Sale	\$16.24	CAPTURE	378650
		John [REDACTED]		0701	092799	
27000005	Visa	4023003260 [REDACTED]	Sale	\$24.36	CAPTURE	083725
		Tracey [REDACTED]		1101	092799	
27000006	MasterCard	540736739 [REDACTED]	Sale	\$25.44	CAPTURE	027486
		Jesse [REDACTED]		1000	092799	
27000007	Visa	402300099 [REDACTED]	Sale	\$9.74	CAPTURE	085687
		Gloria [REDACTED]		1099	092799	
27000008	Visa	4678022934 [REDACTED]	Sale	\$9.20	CAPTURE	027677
		Alvin [REDACTED]		0302	092799	
27000009	Visa	4217658917 [REDACTED]	Sale	\$14.07	CAPTURE	011550
		Jodi [REDACTED]		0603	092799	
27000010	Visa	42170230818 [REDACTED]	Sale	\$17.32	CAPTURE	086467
		Sonja [REDACTED]		0601	092799	
27000011	Visa	4128002210 [REDACTED]	Sale	\$26.52	CAPTURE	144450
		John [REDACTED]		0502	092799	
27000012	MasterCard	53699300500 [REDACTED]	Sale	\$18.40	CAPTURE	027229
		Will [REDACTED]		0302	092799	
27000013	Visa	44171130790 [REDACTED]	Sale	\$23.27	CAPTURE	027783
		Harry W [REDACTED]		0101	092799	
27000014	Visa	438763102 [REDACTED]	Sale	\$17.32	CAPTURE	027407
		Vaughan [REDACTED]		0301	092799	
27000015	Visa	4217661211 [REDACTED]	Sale	\$9.74	CAPTURE	018564
		Don [REDACTED]		1299	092799	
27000016	Amex	372761295 [REDACTED]	Sale	\$21.11	CAPTURE	932699
		Mary [REDACTED]		0402	092799	
27000017	Visa	482002588 [REDACTED]	Sale	\$9.20	CAPTURE	027706
		Al [REDACTED]		0901	092799	
27000018	MasterCard	5491130142 [REDACTED]	Sale			
		Melissa [REDACTED]				

EXHIBIT C



# The LaSalle Bank Chicago Marathon<sup>®</sup> Redefine Your Limits

October 12, 2003

HOME

MARATHON INFORMATION

REGISTRATION

WEEKEND EVENTS

TRAVEL &amp; TOURISM

TRAINING

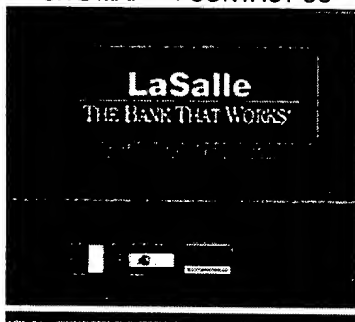
MERCHANDISE

EXTRA MILE

26.2 CURB CREW

Search

60

[SITE MAP](#) [CONTACT US](#)


Click on an arrow below to  
expand the menu

- ▶ RACE RESULTS
- ▶ ELITE ATHLETES
- ▶ SPONSORS
- ▶ PRESS CENTER



## MarathonFoto

MarathonFoto has been taking race photos at The LaSalle Bank Chicago Marathon since 1982. When MarathonFoto started its relationship with the race there were 4,642 finishers and we took 9,000 photos. MarathonFoto used three photographers at the finish line and three on the course itself at another position. Proof photos were mailed to runners' homes two weeks after the event.

Last year MarathonFoto had 100 photographers and assistants taking pictures at nine different race locations. Over 125,000 photos were taken of the more than 31,000 finishers. The photos were online within five days of the race and proofs were mailed within one week of the event. Over 80% of race participants viewed their photos online.

As the race has grown and evolved so has MarathonFoto. We still strive to capture participants at their best, doing what they love, achieving their personal goals. We are there to provide you with a permanent record of your achievement. Please help us out by wearing your bib uncovered and centered on your chest.



Official Marathon Merchandise:  
MarathonFoto  
The 25th Anniversary Collection:  
Highlight Video  
Poster and Notecards  
Flowers For Sale  
Commemorative Tiffany Item

Copyright 2003 The LaSalle Bank Chicago Marathon

EXHIBIT D

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1 450,  
Alexandria, VA 22313-1450 on November 17, 2003.  
November 17, 2003  
Aaron T. Borrowman, Reg. No. 42,348 Date

#10 Declar  
PW  
11-24-03



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Peter H. Wolf )  
Serial No. 09/641,248 )  
Filed: August 17, 2000 )  
For: PROCESS FOR PROVIDING )  
EVENT PHOTOGRAPHS FOR )  
INSPECTION, SELECTION AND )  
DISTRIBUTION VIA A )  
COMPUTER NETWORK )

Group Art Unit: 6241

Examiner: Chang, S.

RECEIVED

NOV 21 2003

GROUP 3600

DOCKET NO. WOLF-38176

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

DECLARATION OF ANDY PARKINSON

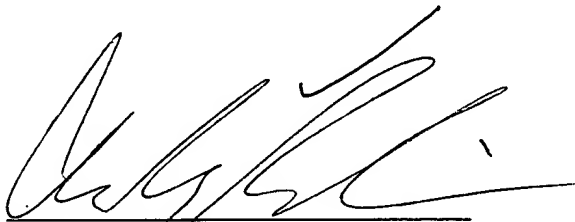
1. My name is Andy Parkinson and I am making this Declaration in support of the above-identified patent application
2. In approximately July of 1999 my company Chromatic Concepts was contacted by Peter Wolf of Photocrazy to incorporate a shopping cart function in the www.photocrazy.com web-site.

3. At that time, I reviewed the web-site to determine its content and current abilities. The web-site included pictures taken at different events and races which could be searched by the participant's bib number or the date and time picture was taken. I updated the web-site to include a shopping cart order form wherein the customer could click on a desired photograph, be presented with an order form, and order on-line using credit card payment or the like.
4. I completed this job on August 14, 1999, as shown in my statement for services attached hereto as Exhibit A.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

11/3/03

Date



Andy Parkinson

Chromatic Concepts  
263 N. Charro Ave.  
Thousand Oaks, CA 91320

# Invoice

DATE	INVOICE #
8/14/99	122309

BILL TO
Peter Wolf 509 Raindance St. Thousand Oaks, CA 91360

DUE DATE
9/14/99

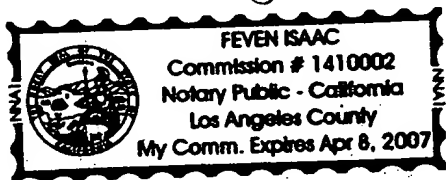
DESCRIPTION	AMOUNT
Creation of shopping cart system for Photocrazy.com	1,120.00
<b>Total</b> 1,120.00	

EXHIBIT A



**JURAT**

State of California  
County of Los Angeles } ss.



Subscribed and sworn to (or affirmed) before me

this 3<sup>rd</sup> day of November, 2003 by  
Date Month Year

(1) Andrew G. Parkinson  
Name of Signer(s)

(2) \_\_\_\_\_  
Name of Signer(s)

Feven Isaac  
Signature of Notary Public

**OPTIONAL**

*Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Patent / Trademark Office

Document Date: \_\_\_\_\_ Number of Pages: Three

Signer(s) Other Than Named Above: \_\_\_\_\_

**RIGHT THUMBPRINT  
OF SIGNER #1**  
Top of thumb here

**RIGHT THUMBPRINT  
OF SIGNER #2**  
Top of thumb here

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1 450, Alexandria, VA 22313-1450 on November 17, 2003.  
November 17, 2003  
Aaron T. Borrowman, Reg. No. 42,348 Date



RECEIVED

NOV 21 2003

GROUP 2000

*H. P. Cedar*  
*PW*

*11-24-03*

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Group Art Unit: 6241
	)	
Peter H. Wolf	)	Examiner: Chang, S.
	)	
Serial No. 09/641,248	)	
	)	
Filed: August 17, 2000	)	
	)	
For: PROCESS FOR PROVIDING	)	
EVENT PHOTOGRAPHS FOR	)	DOCKET NO. WOLF-38176
INSPECTION, SELECTION AND	)	
DISTRIBUTION VIA A	)	
COMPUTER NETWORK	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

DECLARATION OF BRUCE G. COLLIER

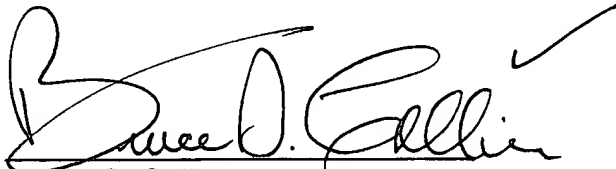
1. My name is Bruce G. Collier and I am making this Declaration in support of the above-identified patent application
2. During the summer of 1999 Lighthouse Century ride I was President of the San Luis Obispo Bicycle Club. I was contacted by Peter Wolf

requesting approval to photograph the riders for the September of 1999 Lighthouse Century event.

3. Peter Wolf explained to me that his photographers would take pictures of the participants of the event and display their images for sale on a web-site within a day or two. The pictures could be searched by the time they were taken and by bib numbers. I had never heard of this with event photography and thought the idea was unique.
4. We approved Photocrazy to photograph the participants on a ride during a meeting in July of 1999.
5. In the Spring of 2000, we also approved the Photocrazy's request to photograph the riders on our Wildflower Century of April 29, 2000.
6. This is a unique service which we have continued to offer to our participants on both of our Century rides each year.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 27, 2003  
Date

  
Bruce G. Collier